

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

DO NO HARM,

Plaintiff,

v.

THE UNIVERSITY OF WASHINGTON d/b/a UW School of Medicine and UW Medicine; BESSIE YOUNG, in her official capacity as Vice Dean for Equity, Diversity, and Inclusion at the UW School of Medicine and Medical Director at the UW Medicine Office of Healthcare Equity; PAULA HOUTON, in her official capacity as Associate Vice President for Medical Affairs at the University of Washington and Chief Equity Officer at UW Medicine; and TIMOTHY DELLIT, in his official capacity as Executive Vice President for Medical Affairs at the University of Washington, Dean of the UW School of Medicine, and CEO of UW Medicine,

Defendants.

Case No.: 2:24-cv-1678-JLR

**JOINT STIPULATION OF
DISMISSAL**

1 Per Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties stipulate to the
 2 following:

3 1. Do No Harm filed this lawsuit on October 15, 2024, challenging the Uni-
 4 versity of Washington School of Medicine’s “BIPOC Physicians Directory for
 5 UWSOM BIPOC Students.” *UW BIPOC Physicians Directory* (archived Oct. 14, 2024),
 6 perma.cc/TT8L-TC63.
 7

8 2. As of October 14, 2024, the medical school described the program as,
 9 among other things, “a private, secured database of physicians (including non-UW af-
 10 filiated physicians and residents!) from across the country” who could “serve as points
 11 of contact for UWSOM BIPOC[*] student questions on specialties, residency programs
 12 and regions.” *Id.* The medical school explained that the program answered the ques-
 13 tion: “What if there were a directory where BIPOC students could easily talk to physi-
 14 cians with identities similar to their own to find advice and answers ...?” *Id.*
 15

16 3. Also as of October 2024, the medical school stated that physicians should
 17 join to “[s]upport Black, Indigenous, People of Color (BIPOC) medical students at the
 18
 19
 20
 21
 22
 23

24 * As of October 14, 2024, the medical school’s website stated that “BIPOC in-
 25 cludes Black/African Diaspora, Native American/Indigenous, Native Hawaiian/Pa-
 26 cific Islander, Asian, Latine/Latinx, Middle Eastern, and North African.” *UW BIPOC
 Physicians Directory* (archived Oct. 14, 2024), perma.cc/TT8L-TC63.

1 University of Washington School of Medicine (UWSOM)” and to “[s]erve as a re-
2 source to UWSOM BIPOC students.” *Id.*

3
4 4. Also as of October 2024, the medical school’s career advising office listed
5 the program under the heading “Resources for BIPOC Students” and explained that
6 the program allowed students to “connect with BIPOC physicians with identities sim-
7 ilar to their own.” *Diverse Identities & Affinity Groups* (archived Oct. 14, 2024),
8 perma.cc/6MAR-NZMN. The career advising office also thanked participants for
9 their “commitment to shaping the next generation of BIPOC physicians” and stated
10 that they were “still recruiting BIPOC physicians to be a resource in the BIPOC Phy-
11 sicians Directory.” *BIPOC Physicians Directory Launch* (archived Oct. 14, 2024),
12 perma.cc/Y8ZZ-GMQV.
13
14

15 5. Do No Harm alleged that the medical school and school officials violated
16 42 U.S.C. §1983, Section 1557 of the Affordable Care Act, and Title VI of the Civil
17 Rights Act by prohibiting white physicians and medical students from adding their
18 names to the program.
19
20

21 6. According to the medical school’s counsel, the medical school does not
22 and has never determined whether medical students or physicians can participate in
23 the program based on their race; instead, the University’s policy has consistently been
24 that participation in the directory is open to everyone. Similarly, the medical school
25 does not make any decisions about which participating physicians a participating
26

1 medical student can contact. Instead, it provides all medical students access to the pro-
2 gram through their university emails, at which point they can choose to contact any
3 participating physician to ask questions or seek advice.
4

5 7. To make clear that it is open to all, the program has been retitled to the
6 “MD Connections” directory, and the medical school’s website now states that the
7 program “is an opportunity open to all,” with the “goal” of supporting “first-genera-
8 tion” and “other students who seek connections with physicians with identities and
9 interests similar to their own.” *MD Connections* (archived Dec. 30, 2024),
10 perma.cc/LRC3-ALY9.
11

12 8. The medical school has also revised certain statements on its website to
13 clarify that all medical students and physicians can participate in the program equally,
14 regardless of race or ethnicity. Those statements include the following, as well as any
15 statements that are materially similar:
16
17

18 a. The medical school has revised statements asking physician appli-
19 cants to connect the career advising office with “BIPOC physician men-
20 tors who [they] think would support” the program to instead clarify that
21 applicants should connect the office with “physician mentors who [they]
22 think would support” the program. *See MD Connections Directory - Sign Up*
23 *Form* (last visited Dec. 30, 2024), [bit.ly/MD-Connections-Application-](https://bit.ly/MD-Connections-Application-Form)
24 [Form](https://bit.ly/MD-Connections-Application-Form).
25
26

b. The medical school has revised statements that the program is “for UWSOM BIPOC students,” *e.g.*, *UW BIPOC Physicians Directory* (archived Oct. 14, 2024), perma.cc/TT8L-TC63, to instead clarify that the program is “for UWSOM students,” *e.g.*, *MD Connections* (archived Dec. 30, 2024), perma.cc/LRC3-ALY9.

c. The medical school has revised statements that participating physicians “can serve as points of contact for UWSOM BIPOC student questions,” *e.g.*, *UW BIPOC Physicians Directory* (archived Oct. 14, 2024), perma.cc/TT8L-TC63, to instead clarify that physicians “can serve as points of contact for UWSOM student questions,” *e.g.*, *MD Connections* (archived Dec. 30, 2024), perma.cc/LRC3-ALY9.

d. The medical school has revised statements that the program is a resource “for BIPOC students,” *e.g.*, *Diverse Identities & Affinity Groups* (archived Oct. 14, 2024), perma.cc/6MAR-NZMN, to instead clarify that the program is “available to all students” and that “all UWSOM students may participate and benefit,” *e.g.*, *Diverse Identities & Affinity Groups* (archived Dec. 30, 2024), perma.cc/N2ZB-9CVB.

9. Consistent with these clarifications, the program has not and will not require participants (either physicians or medical students) to identify as BIPOC to participate in the program. When reviewing a medical student’s request to access the

1 program or a physician's request to add their name to the program, the medical school
2 does not and will not consider the student's or physician's race or ethnicity. The med-
3 ical school also does not and will not require participants or would-be participants to
4 report their race or ethnicity and has added language clarifying that participating phy-
5 sicians may choose "Prefer Not to Say."

6
7 10. The case is hereby dismissed, with both sides to bear their own fees and
8 costs.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 Dated: January 10, 2025

Respectfully submitted,

2 /s/ Joel B. Ard

ROBERT W. FERGUSON

3 Joel B. Ard, WSBA # 40104

Attorney General

4 joel@ard.law

5 P.O. Box 11633

/s/ Nathan Bays

6 Bainbridge Island, WA 98110

NATHAN BAYS, WSBA # 43025

(206) 701-9243

R. JULY SIMPSON, WSBA # 45869

LUCY WOLF, WSBA # 59028

7 /s/ Cameron T. Norris

Assistant Attorneys General

8 Thomas R. McCarthy*

800 Fifth Avenue, Suite 2000

9 Cameron T. Norris*

P.O. Box TB-14

Lead Counsel

Seattle, WA 98104-3188

10 Frank H. Chang*

(206) 464-7744

11 C'Zar Bernstein*

Nathan.Bays@atg.wa.gov

Zachary Grouev*

July.Simpson@atg.wa.gov

12 CONSOVOY MCCARTHY PLLC

Lucy.Wolf@atg.wa.gov

13 1600 Wilson Blvd., Ste. 700

Arlington, VA 22209

Counsel for Defendants

(703) 243-9423

14 tom@consovoymccarthy.com

15 cam@consovoymccarthy.com

16 frank@consovoymccarthy.com

17 czar@consovoymccarthy.com

zach@consovoymccarthy.com

18 *pro hac vice

19 *Counsel for Plaintiff*